

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

CARMELO ROMAN, RICARDO ROMAN  
RIVERA and SDM HOLDINGS, INC. Individually  
and on Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

UBS FINANCIAL SERVICES, INC. OF PUERTO  
RICO; UBS TRUST COMPANY OF PUERTO  
RICO; PUERTO RICO INVESTORS TAX-FREE  
FUND IV, INC.; PUERTO RICO FIXED INCOME  
FUND, INC.; PUERTO RICO FIXED INCOME  
FUND III, INC.; PUERTO RICO FIXED INCOME  
FUND V, INC.; PUERTO RICO INVESTORS  
BOND FUND I, INC.; PUERTO RICO AAA  
PORTFOLIO BOND FUND, INC.; PUERTO  
RICO AAA PORTFOLIO BOND FUND II, INC.;  
MIGUEL A. FERRER, and CARLOS J. ORTIZ,

Defendants.

Civil Case No.3:12-cv-1663

JURY TRIAL DEMANDED

SECURITIES CLASS ACTION

**MOTION TO WITHDRAW THE COURT'S ORDER APPOINTING LEAD  
PLAINTIFFS AND RELATED SCHEDULING ORDER**

COME NOW Plaintiffs Carmelo Roman, Ricardo Roman Rivera and SDM Holdings,  
Inc. who state as follows:

1. Plaintiffs respectfully request that the Court withdraw its Order re: Motion for Entry of a Proposed Case Management Order [E.C.F. No. 19] appointing Carmelo Roman, Ricardo Roman-Rivera and SDM Holdings, Inc. as Lead Plaintiffs and establishing a deadline of October 22, 2012 for Plaintiffs to file an amended complaint. As set forth herein, there is a

statutorily mandated procedure for appointing lead plaintiff in a securities fraud class action, and the deadline for appointment of lead plaintiff is October 15, 2012. Accordingly, while Plaintiffs will file papers seeking appointment as lead plaintiffs, they do not know if there will be any competing motion for appointment.

2. The Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. §78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (“PSLRA”), establishes the procedure governing the appointment of a lead plaintiff in private securities fraud class actions brought pursuant to the Federal Rules of Civil Procedure. *See* 15 U.S.C. §78u-4(a)(1)-(3)(B)(ii). Specifically, the PSLRA mandates that the plaintiff who files the initial action publish a notice to the class within 20 days of filing the case informing putative class members of the pendency of the action, the claims, the asserted class period, and that any member of the class may file a motion with the Court to serve as lead plaintiff no later than 60 days from the publication of that original notice (the “Early Notice”). 15 U.S.C. §78u-4(a)(3)(A)(i). Within 60 days after publication of the Early Notice, any “person” or “group of persons” who are members of the proposed class may apply to the court to be appointed as Lead Plaintiff, whether or not they have previously filed a complaint in the action. *See* 15 U.S.C. §78u-4(a)(3)(A)-(B). Finally, the Exchange Act provides that within 90 days after publication of the Early Notice, the court shall consider any motion made by a class member and shall appoint as Lead Plaintiff the member or members of the class that the court determines to be most capable of adequately representing the interests of class members. *See* 15 U.S.C. §78u-4(a)(3)(B).

3. In this case, the Early Notice was published via *Globe Newswire* on August 14, 2012. Thus, the statutory deadline for parties to move the Court for appointment to serve as lead plaintiff is October 15, 2012. While Plaintiffs fully intend to move the Court to be appointed

lead plaintiffs, the statutorily mandated motion date has not yet arrived. Accordingly, Plaintiffs respectfully request that the Court withdraw the Order appointing them to serve as lead plaintiffs.

Additionally, since the statutorily mandated lead plaintiff process will not be completed for several weeks, Plaintiffs further request that the Court take the October 22, 2012 deadline for the filing of an amended complaint off its calendar.

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter the Proposed Order, attached hereto as **Exhibit A**.

RESPECTFULLY SUBMITTED, in San Juan, Puerto Rico, on October 11, 2012.

DATED: October 11, 2012

/S/ Luis E. Miñana USDC-PR # 225,608

LUIS E. MIÑANA

ESPADA MIÑANA & PEDROSA LAW OFFICES PSC

122 Calle Manuel Dómenech

Altos Urb. Báldrich

San Juan, P. R. 00918

Telephone: 787-758-1999

Facsimile: 787-773-0500

Email: notarial@prtc.net

SCOTT+SCOTT LLP

David R. Scott (admitted *pro hac vice*)

Amanda Lawrence (admitted *pro hac vice*)

SCOTT+SCOTT LLP

156 South Main Street

P.O. Box 192

Colchester, CT 06415

Telephone: (860) 537-5537

Facsimile: (860) 537-4432

drscott@scott-scott.com

alawrence@scott-scott.com

Joseph P. Guglielmo (admitted *pro hac vice*)  
SCOTT+SCOTT LLP  
The Chrysler Building  
405 Lexington Avenue, 40th Floor  
New York, NY 10174  
Telephone: (212) 223-6444  
Facsimile: (212) 223-6334  
jguglielmo@scott-scott.com

*Counsel for Plaintiffs*

I HEREBY CERTIFY, that on this same date, I filed an electronic copy of the foregoing with the Clerk of the District Court by means of the Court's CM/ECF System, which will provide notice via electronic means of this filing to all CM/ECF participants in this case.

DATED: October , 2012

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LUIS E. MIÑANA & ASOC. ABOGADOS –  
NOTARIOS LUIS E. MIÑANA  
122 Ave, Dómenech Altos  
Urb. Baldrich  
San Juan, P. R. 00918  
Telephone: 787-758-1999  
Facsimile: 787-773-0500  
Email: notarial@prtc.net